

DECLARATION OF PUBLIC IMPROVEMENTS EASEMENT(S)

THIS DECLARATION made this _____ day of _____, 20__ by _____ owners, their successors, heirs, and assigns (the "Declarant") of a certain tract of land lying and being in Montgomery County, Maryland and being more particularly described as follows: _____

(the "Property"). The Declarant contemplates subdividing the Property into building lots and recording the plat or plats of subdivision among the Land Records of Montgomery County, Maryland subsequent to the recordation of this Declaration among the Land Records,

WHEREAS, the Declarant _____, by the execution of this Declaration declares, grants, and creates certain easements and makes public certain agreements with Montgomery County, Maryland and the Washington Suburban Sanitary Commission which shall be binding on the Declarant and Declarant's successors, heirs, and assigns, and on the Property in perpetuity, so that reference to the Declaration on the Subdivision Plats to be recorded hereafter shall constitute incorporation of this instrument on the record plat by the reference thereon.

NOW, THEREFORE, in furtherance of the approval of the subdivision plats for the property and the recitals which are incorporated into this Declaration, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the Declarant, the Declarant does hereby covenant and agree as follows:

1. That Montgomery County, Maryland, its duly designated agents, or the Washington Suburban Sanitary Commission (the "County" or "WSSC"), for their respective purposes, shall have the right to enter upon the land abutting all insert roadway classification(s) streets located on the Property for the purposes of installing, maintaining, operating, rehabilitating, or removing public improvements including but not limited to:
 - a) Street paving, curb and gutter, sidewalks, and bikepaths
 - b) Street signs
 - c) Traffic control signs and devices
 - d) Storm drainage
 - e) Street lights and appurtenances
 - f) Street trees
 - g) Water and wastewater meters and appurtenances
2. That the record plats for the Property shall show thereon the easements which are created by the within document and shall be labeled "Public Improvements Easement" or "P.I.E."

3. That the aforesaid easement as created under Paragraph 1 shall be [insert appropriate dimension(s) in accordance with the Road Code or applicable standards] in width and shall be contiguous with and parallel and adjacent to the right-of-way lines of all of the affected [insert roadway classification(s)] streets.

The Declarant, does hereby covenant and agree that the granting of the easements herein shall not obligate the County or WSSC to provide maintenance in parking areas adjacent to [insert roadway classification(s)] unless such areas are disturbed during the installation and/or maintenance of the public improvements as set forth in Paragraph 1 herein.

4. The Declarant covenants and agrees that no fence, wall, or permanent structures shall be erected within the Public Improvements Easement as other than those structures which shall be approved by the Department of Permitting Services of Montgomery County, Maryland or their successors, or the WSSC, with respect to its facilities. Should the County or WSSC, in order to maintain its facilities within the Public Improvements Easement, be required to remove said improvements, the County or WSSC will not be required to replace said improvements and the Declarant will save the County or WSSC harmless for any damages that may occur to said improvements.
5. Trees and shrubs may be planted within the Public Improvements Easement in accordance with the applicable Design Standards of the Department of Public Works and Transportation of Montgomery County, Maryland or their successors, and WSSC. Should the County or WSSC, in order to maintain its facilities within the Public Improvements Easement, be required to remove said improvements, the County or WSSC will not be required to replace said improvements and the Declarant will save the County harmless for any damages that may occur to said improvements.
6. The Declarant does grant and convey the Easement described in this Declaration unto Montgomery County, Maryland and the Washington Suburban Sanitary Commission in perpetuity.

IN WITNESS WHEREOF the Declarant has executed this Declaration under seal on the Date first written above.

ATTEST:

[identify the owner(s)]

_____(SEAL)
[insert executor's name & title]

Declaration of Public Improvements Easement(s) form
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STATE OF MARYLAND

COUNTY OF MONTGOMERY, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 20__, before the subscriber, a Notary Public of the State and County aforesaid, personally appeared _____ who acknowledged himself to be the _____ of _____ and that he, as such _____, being authorized to do so, executed the foregoing instrument for the purposes of signing the name of _____, by himself as such _____.

IN TESTIMONY WHEREOF, I have affixed my official seal the date written above.

My commission expires on _____.

[NOTARIAL SEAL]